

### **REMARKS**

This Amendment and the following remarks are intended to fully respond to the Office Action mailed October 14, 2009, hereinafter "Office Action." In that office action, claims 1-12, 14-24, and 26-34 were examined and all claims were rejected. More specifically, claims 1, 7, 14, 19, 26, and 32, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Bird, claims 10-11 and 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Miralles and Bird, claims 2-4, 6, 15-16, 18, 27-29, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen and Bird in further view of Miralles, and claims 5, 8-9, 17, 20, 30, and 33-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen and Bird in view of Wood. Entry of the above amendments, and reconsideration of the claim rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. Claims 1-12, 14-24, and 26-34 remain in the application.

Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

In this Response, claims 1, 10, 14, 22, and 26, have been amended and no claims have been added or cancelled. Therefore claims 1-12, 14-24, and 26-34 remain present for examination.

No new matter has been introduced through any of these claim amendments.

#### **Rejection of Claims Under 35 U.S.C. §103(a)**

All the claims were rejected under 35 USC § 103(a) as being anticipated by Chen in combination with other references. Applicant respectfully traverses the § 103(a) rejections of the claims because the Office Action failed to state a *prima facie* case of obviousness. Specifically, the references fail to teach all of the claimed elements. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references must teach all of the claimed elements to one of ordinary skill in the art at the time the invention was made. M.P.E.P §§ 2142, 2143.03. Further, under *KSR Int'l Co. v. Teleflex, Inc.*, there "must be some articulated reasoning with

some rational underpinning to support the legal conclusion of obviousness.” 127 S. Ct. 1727, 1741 (2007).

### Independent Claims 1, 14, and 26

Claims 1, 7, 14, 19, 26, and 32, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Bird. Applicant’s traverse the § 103 rejection because the Office Action has failed to show that the cited references teach all the limitations of independent claims 1, 7, 14, 19, 26, and 32.

Chen is directed to providing hypermedia content maintained remotely on a network to a wireless device without a browser. *Chen, Abstract*. Chen supports a “pull” mode of operation. *Chen, col. 3, ll. 13-40*. The “pull” mode allows a wireless device without a browser to request content from an application. *See id.* Specifically, the wireless device sends a request to a SMS Center that forwards the request to a proxy server. *See id.* The proxy server transcodes, maps, and extracts information from the request. *See id.* The extracted information is then sent to an application that returns the requested content to the proxy server. *See id.* The proxy server transcodes the content into a form used by the SMS Center and sends the content in an SMS response to the SMS Center for subsequent delivery to the requesting wireless device. *See id.*

Bird is directed towards methods and systems for bulk communication of information to recipients via multiple delivery media. The media includes facsimile, email, surface mail, SMS messaging, and archiving. *See Bird, Abstract*. Bird describes a process of “accepting a message from a sender and distributing multiple copies of the message to recipients.” *Bird, para. [0226]*.

### Claim 1

Claim 1 recites, *inter alia*:

receiving, at a web service client, a request from a user to send content to a mobile device;

collecting, from an originating system of the user, information including content data to be sent to the mobile device;

Chen fails to teach or suggest at least “receiving, at a web service client, a request from a user to send content to a mobile device” as recited in independent claim 1. The Office Action relies on the proxy server disclosed by Chen to teach the elements of independent claim 1. The proxy server, however, is not a web service *client*, as taught by independent claim 1. Even if one were to equate the proxy server of Chen with the web service client of the present application, the proxy server would still fail to receive “a request from a user to send content to a mobile device.” At best, the proxy server receives a request from a user to *receive* content itself not to send content to a mobile device.

Chen also fails to teach or suggest at least “collecting, from an originating system of the user, information including content data to be sent to the mobile device” as recited in independent claim 1. As discussed above, the proxy server disclosed by Chen collects content information from an application. This application is not the originating system of the user in Chen. The originating system of the user in Chen is the wireless device from which the request for content is made. The present application, on the other hand, collects information “from an originating system of the user.” For at least the above reasons, Chen fails to teach or suggest all the limitations of independent claim 1. Bird fails to compensate for Chen’s deficiencies as Bird teaches bulk communication via multiple delivery media. Applicant respectfully requests a withdrawal of the rejection for independent claim 1, and its dependent claims 2-9, and an issuance of a notice of allowance, at Examiner’s earliest convenience.

#### Claim 14

Claim 14 recites, *inter alia*:

receive, at a web service client, a request from a user to send content to a mobile device;

collect, from an originating system of the user, information including content data to be sent to the mobile device;

The recited elements of independent claim 14 are similar to the recited elements of independent claim 1. For similar reasons as independent claim 1, Chen fails to teach or suggest all the limitations of independent claim 14 and Bird fails to compensate for Chen’s deficiencies. Applicant respectfully requests a withdrawal of the rejection for independent claim 14, and its

dependent claims 15-21, and an issuance of a notice of allowance, at Examiner's earliest convenience.

Claim 26

Claim 26 recites, *inter alia*:

receiving, at a web service client, a request from a user to send content to a mobile device;

collecting, from an originating system of the user, information including content data to be sent to the mobile device;

The recited elements of independent claim 26 are similar to the recited elements of independent claims 1 and 14. For similar reasons as independent claims 1 and 14, Chen fails to teach or suggest all the limitations of independent claim 26 and Bird fails to compensate for Chen's deficiencies. Applicant respectfully requests a withdrawal of the rejection for independent claim 26, and its dependent claims 27-34, and an issuance of a notice of allowance, at Examiner's earliest convenience.

Independent Claims 10 and 22

Claims 10-11 and 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Miralles and Bird. As previously discussed with respect to claims 1, 14, and 26, Chen and Bird, both individually and in combination, fail to teach "wherein the content data was specified by a user request to be sent from an originating system of the user to the mobile device", as recited in independent claim 10.

Miralles fails to compensate for this deficiency. Miralles relates to transmitting short messages between a remote server and a mobile telephone user that is in communication with a short message service center via a GSM network. However, the Office Action does not show that Miralles teaches "wherein the content data was specified by a user request to be sent from an originating system of the user to the mobile device". For at least this reason, independent claim 10 is allowable over the cited references. Applicant respectfully requests a withdrawal of the

rejection for independent claim 10, and its dependent claims 11-12, and an issuance of a notice of allowance at Examiner's earliest convenience.

For at least similar reasons, independent claim 22 is also allowable over the cited references. Independent claim 22 recites, *inter alia*, "wherein the content data was specified by a user request to be sent from an originating system of the user to the mobile device". Thus, independent claim 22 is allowable over the cited references. Applicant respectfully requests a withdrawal of the rejection for independent claim 22, and its dependent claims 23-24, and an issuance of a notice of allowance at Examiner's earliest convenience.

For at least the foregoing reasons, independent claims 1, 10, 14, 22, and 26 are allowable over the cited references. While the Office Action relied upon other references to reject some of the dependent claims, Applicants submit that the other references fail to compensate for the deficiencies of Chen, Bird, and Miralles. Thus, applicants respectfully request that the Examiner issue a notice of allowance at his earliest convenience. Furthermore, dependent claims 2-9, 11-12, 15-21, 23-24, and 27-34 depend from one of allowable claims 1, 10, 14, 22, and 26, and thus are allowable for at least the same reasons as discussed. Applicants therefore respectfully request that the Examiner issue a notice of allowance for all claims at his earliest convenience.

**CONCLUSION:**

This Amendment fully responds to the Office Action mailed on October 14, 2009. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Thus, a bona-fide attempt has been made to ensure that the application meets all statutory requirements and is in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited. If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant does not believe that any fees are due with this response. If this is not the case, please charge all required fees, or fees under 37 C.F.R. 1.17, or all required extension of time fees due, or credit any overpayment to, deposit account 13-2725. Please consider this a Petition For Extension Of Time for a sufficient number of months to enter this correspondence, or any future reply, if appropriate, for an extension of time for its timely submission.

Respectfully submitted,

/ René A. Pereyra /

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